



State of New Mexico

**Workers'  
Compensation  
Administration****Michelle Lujan Grisham**  
Governor**Heather Jordan**  
Director

February 4, 2025

New Mexico State Personnel Board  
Adjudication Division  
2600 Cerrillos Road  
Santa Fe, NM 87505

Via Hand Delivery and certified mail

9171 9690 0935 0155 4670 14

**COMPLAINT PURSUANT TO NMSA 1978, §52-5-2(C)**  
**RE: SHANON RILEY**

1. This complaint is filed pursuant to NMSA 1978, §52-5-2(C) (2004), which states that complaints shall be filed with the State Personnel Board, and pursuant to Rule 1.7.12.25(A) NMAC, which states that "[t]he {State Personnel Board's} duly appointed hearing officer shall hear all complaints filed in accordance with the provisions of NMSA 1978, § 52-5-2(C)."

2. On or about August 20, 2011, Shanon Riley was appointed to an initial one-year term as a workers' compensation judge of the Workers' Compensation Administration (NM WCA).

3. Shanon Riley was reappointed to subsequent five-year terms in August 2012, August 2017 and, as relevant here, she was appointed to her most current five-year term on August 4, 2022. (Exhibit 1 hereto is a true and correct copy of the August 4, 2022 reappointment letter.)

4. Pursuant to §52-5-2(C), Shanon Riley's conduct, while acting as a workers' compensation judge, was to conform to all Canons of New Mexico Code of Judicial Conduct.

5. On October 17, 2024, the New Mexico State Personnel Office issued an "Interpretive Memorandum 2024-00" which, as relevant here, permitted State of New Mexico employees the opportunity to take administrative leave for purposes of in-person voting. Per the Memorandum, voting leave was required to be sought and approved in advance; use of voting leave may be audited; and abuse of voting leave could result in discipline up to and including dismissal. (Exhibit 2 hereto is a true and correct copy of the Interpretive Memorandum 2024-00.)

6. An election was held on November 5, 2024.

7. Shanon Riley sought and was approved to use voting leave per a leave request form signed by Shannon Riley and approved by her supervisor on November 5, 2024. (Exhibit 3 hereto is a true and correct copy of the voting leave request and approval.)

8. Shanon Riley's time entry for November 5, 2024 into the State of New Mexico's Share system included two hours of voting leave. (Exhibit 4 is a true and correct copy of Shanon Riley's time sheet for the week embracing November 5, 2024.)

9. According to New Mexico Secretary of State voting records, which are available to the New Mexico Workers' Compensation Administration (NM WCA) for purposes of verifying employee usage of voting leave, Shanon Riley did not vote on November 5, 2024. (Exhibit 5 hereto is a true and correct copy of the New Mexico Secretary of State voting record for Shanon Riley provided to the NM WCA.)

10. Shanon Riley did not change her time sheet in the Share system despite entering voting leave for 2 hours but failing to vote, and despite having until at least November 6, 2024 through 5:00 p.m. to enter time for the applicable pay period and until November 7, 2024 through 5:00 p.m. to make any corrections. (Exhibit 6 is a true and correct copy of an email from NM WCA human resources to all employees advising of the time entry and approval deadlines.)

11. Shanon Riley certified in her time entry in Share by affirming the following statement: "I certify that the time reported is a true and accurate representation of the time worked in the period."

11. Shanon Riley's conduct as described herein may violate the New Mexico Canons of Judicial Conduct, including but not limited to Rule 21-100, Canon 1 NMRA; Rule 21-101 NMRA; and Rule 21-102 NMRA.

12. Pursuant to NMSA 1978, §52-5-2(C), and Rule 1.7.12.25 NMAC, this matter is hereby submitted to State Personnel Board and its duly appointed hearing office for appropriate action.

13. Pursuant to and consistent with Rule 1.7.12.15 NMAC, the NM WCA requests (a) an administrative proceeding and hearing before a State Personnel hearing officer; (b) that the report of the hearing officer and any record made before the hearing officer be forwarded to the State Personnel Board for it to make its findings as to whether there was a violation of any New Mexico Canon of Judicial Conduct; and (c) the Board thereafter transmit its findings to the Director of the NM WCA.

Respectfully submitted,



Catherine Farrell,  
NM WCA Human Resource Manager

Enc: Exhibits 1-6



State of New Mexico  
**WORKERS' COMPENSATION ADMINISTRATION**

**MICHELLE LUJAN GRISHAM**  
GOVERNOR

**ROBERT E. DOUCETTE, JR.**  
DIRECTOR

August 4, 2022

The Honorable Shanon Riley  
Workers' Compensation Judge  
2410 Centre Ave. SE  
Albuquerque, NM 87106  
*VIA HAND DELIVERY*

**Re: Reappointment**

Dear Judge Riley:

Pursuant to NMSA 1978, §52-5-2(B), and after review of your performance, it is my pleasure to reappoint you to a new five-year term as a workers' compensation judge. This term will begin at the expiration of your current term on August 20, 2020, and will expire five years thereafter.

I congratulate you on this reappointment and thank you for your service to the Administration and to the people of the State of New Mexico.

Sincerely,

A handwritten signature in black ink that reads "Robert E. Doucette Jr.".

Robert E. Doucette, Jr.  
WCA Director

cc: Personnel File



**Farrell, Catherine, WCA**

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**From:** Farrell, Catherine, WCA  
**Sent:** Friday, October 18, 2024 9:58 AM  
**To:** WCA-AllUsers  
**Subject:** FW: Interpretive Memorandum - Voting Admin Leave  
**Attachments:** Interpretive Memorandum 2024-001 Voting.pdf

FYI....

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**From:** Forlizzi, Denise M, SPO <DeniseM.Forlizzi@spo.nm.gov>  
**Sent:** Thursday, October 17, 2024 1:35 PM  
**To:** Forlizzi, Denise M, SPO <DeniseM.Forlizzi@spo.nm.gov>  
**Subject:** Interpretive Memorandum - Voting Admin Leave

Good afternoon,

Please see the attached for your reference and use.

Kind Regards,



**Denise M. Forlizzi** | Special Assistant to the Director  
State Personnel Office  
[DeniseM.Forlizzi@spo.nm.gov](mailto:DeniseM.Forlizzi@spo.nm.gov)  
505-365-3691  
[spo.state.nm.us](http://spo.state.nm.us)

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**Michelle Lujan Grisham**  
*Governor*

**Dylan K. Lange**  
*Director*



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Address: 2600 Cerrillos Road, Santa Fe, NM 87505-3258  
Phone: (505) 476-7759 | Fax: (505) 476-7949 | Web: <https://www.spo.state.nm.us/>

## Interpretive Memorandum 2024-001

**Date:** October 17, 2024  
**To:** Cabinet Secretaries, Agency Heads, and HR Managers  
**From:** Dylan Lange, Director  
**Subject:** Administrative Leave for Voting

### **Purpose**

The State encourages all employees to exercise their right to vote. This Memorandum shall serve to interpret the application of State Personnel Board Rules and the New Mexico Administrative Code (NMAC) regarding the granting of administrative leave for voting.

### **Background**

State Personnel Board Rule (1.7.7.14 NMAC) provides:

- C. Employees who are registered voters may absent themselves from work for two hours for the purpose of voting between the time of the opening and the time of the closing of the polls. The employer may specify the hours during the period in which the voter may be absent. This leave is not available to employees whose workday begins more than two hours subsequent to the time of opening the polls, or ends more than three hours prior to the time of closing the polls. This leave is only available for those elections listed in Subsection A of Sections 1-12-42 and 1-1-19 NMSA 1978 and does not apply to absentee or early voting.

### **Covered Elections**

The following statutory elections apply to administrative leave for voting:

**NMSA 1978, § 1-1-19. Elections covered by code.**

- A. The Election Code applies to the following:
  - (1) general elections;
  - (2) primary elections;
  - (3) special elections;
  - (4) elections to fill vacancies in the office of United States representative;
  - (5) local elections included in the Local Election Act; and
  - (6) recall elections of county officers, school board members or applicable municipal officers.
- B. To the extent procedures are incorporated or adopted by reference by separate laws governing such elections or to the extent procedures are not specified by such laws, certain provisions of the Election Code shall also apply to special district elections not covered by the Local Election Act [Chapter 1, Article 22 NMSA 1978].

**NMSA 1978, § 1-12-42. Conduct of election; employees; time to vote.**

- A. On election day a voter may absent themselves from employment in which they are engaged for two hours for the purpose of voting between the time of opening and the time of closing the polls. The voter shall not be liable to any penalty for such absence; however, the employer may specify the hours during this period in which the voter may be absent.
- B. The provisions of Subsection A of this section do not apply to an employee whose workday begins more than two hours subsequent to the time of opening the polls, or ends more than three hours prior to the time of closing the polls.
- C. The provisions of Subsection A of this section apply to elections of Indian nations, tribes or pueblos for a voter who is enrolled as a member of the Indian nation, tribe or pueblo and is qualified to vote in the election.

**Guidelines**

- A. An employee utilizing administrative leave for voting shall use the Time Reporting Code "VOTES - Voting Time Paid."
- B. Pursuant to NMSA 1978, § 1-12-42(A) and 1.7.7.14 NMAC, administrative leave for voting is only available on Election Day and is not available for the purposes of early voting or absentee voting.

- C. Administrative leave for voting must be requested and approved in advance. Managers and supervisors may specify the two hours between the time of opening and time of closing of the polls during which the voter may be absent.
- D. An employee must have worked hours on Election Day to be eligible for administrative leave for voting.
- E. Use of administrative leave for voting may be audited. Employees who abuse administrative leave for voting may be disciplined, up to and including dismissal.

###

## NEW MEXICO WORKERS' COMPENSATION ADMINISTRATION

## LEAVE REQUEST FORM

INSTRUCTIONS: Please PRINT all information as REQUIRED on form. INDICATE THE LEAVE IN HOURS ROUNDED TO THE NEAREST 15 MINUTES. Designate the date information with numerical characters.

|                 |              |                    |
|-----------------|--------------|--------------------|
| EMPLOYEE NAME:  | EMPLOYEE ID: | BUREAU:            |
| Shanon S. Riley | 000304424    | Dispute Resolution |

LEAVE: Enter time usage in hours and minutes

| TIME USAGE: |     | BEGINNING   |    |     |    | ENDING      |      |      |    | Date of Request |    |   |      |            |
|-------------|-----|-------------|----|-----|----|-------------|------|------|----|-----------------|----|---|------|------------|
| HOURS       | Min | Time of Day | Mo | Day | Yr | Time of Day | Mo   | Day  | Yr |                 |    |   |      |            |
| 2           |     | 3:00        |    | am  | 11 | 5           | 2024 | 5:00 |    | am              | 11 | 5 | 2024 | 11/05/2024 |
|             |     |             |    | pm  |    |             |      |      |    | pm              |    |   |      |            |

Click on Leave Type Box Below and Choose One Selection from the List:

|  |                |
|--|----------------|
|  | Specify Voting |
|--|----------------|

Comments:

EMPLOYEE'S SIGNATURE: DATE: 11/5/2024

SUPERVISOR'S SIGNATURE: APPROVAL/ DISAPPROVAL Date:

LEAVE: Enter time usage in hours and minutes

| TIME USAGE: |     | BEGINNING   |    |    |    | ENDING      |    |    |    | Date of Request |
|-------------|-----|-------------|----|----|----|-------------|----|----|----|-----------------|
| HOURS       | Min | Time of Day | Mo | Da | Yr | Time of Day | Mo | Da | Yr |                 |
|             |     |             |    | am |    |             |    |    |    |                 |
|             |     |             |    | pm |    |             |    |    |    |                 |

Click on Leave Type Box Below and Choose One Selection from the List:

|  |         |
|--|---------|
|  | Specify |
|--|---------|

Comments:

EMPLOYEE'S SIGNATURE: DATE:

SUPERVISOR'S SIGNATURE: APPROVAL/ DISAPPROVAL Date:

LEAVE: Enter time usage in hours and minutes

| TIME USAGE: |     | BEGINNING   |    |     |    | ENDING      |    |     |    | Date of Request |
|-------------|-----|-------------|----|-----|----|-------------|----|-----|----|-----------------|
| HOURS       | Min | Time of Day | Mo | Day | Yr | Time of Day | Mo | Day | Yr |                 |
|             |     |             |    | am  |    |             |    |     |    |                 |
|             |     |             |    | pm  |    |             |    |     |    |                 |

Click on Leave Type Box Below and Choose One Selection from the List:

|  |         |
|--|---------|
|  | Specify |
|--|---------|

Comments:

EMPLOYEE'S SIGNATURE: DATE:

SUPERVISOR'S SIGNATURE: APPROVAL/ DISAPPROVAL Date:

\*\* Director's signature required for ADMINISTRATIVE LEAVE AND LEAVE WITHOUT PAY

\*\* DIRECTOR'S SIGNATURE: APPROVAL/ DISAPPROVAL Date: 11-5-24

\* FOR ILLNESS RELATED LEAVE

\* Nature of Illness: Illness in Immediate Family: Specify Relation

NAME OF ATTENDING PHYSICIAN:

\* A CERTIFICATE OF ILLNESS may be required

WCA 8602016

EXHIBIT

tabbies

3



**Timesheet**

Date: 2024-11-06  
Employee ID: 304424  
Name: Sharon Riley  
Department: Adjudication  
HR Status: Active  
Std Hours: 40  
WorkGroup: EXHEMPT  
Employee Record: 0  
Jobcode:  
Full/part-Time: Full-Time  
RegularTemp: Regular - PERM for State  
Union Code: CN

**Timesheet Data:**

| Day       | Date       | TRC   | Quantity | Reported Status | Elements   |
|-----------|------------|-------|----------|-----------------|--|
| Monday    | 2024-11-04 | PRSNL | 8        | NA              | PRSNL, H, MST, N, OML, 0, 632000001.             |
| Tuesday   | 2024-11-05 | REGHR | 8        | NA              | REGHR, H, GOVEX-FILE, MST, N, OML, 0, 632000001. |
| Tuesday   | 2024-11-05 | VOTES | 2        | NA              | VOTES, H, MST, N, OML, 0, 632000001.             |
| Wednesday | 2024-11-06 | REGHR | 8        | NA              | REGHR, H, GOVEX-FILE, MST, N, TCD, 0, 632000001. |
| Thursday  | 2024-11-07 | REGHR | 8        | NA              | REGHR, H, GOVEX-FILE, MST, N, TCD, 0, 632000001. |
| Friday    | 2024-11-08 | REGHR | 8        | NA              | REGHR, H, GOVEX-FILE, MST, N, TCD, 0, 632000001. |

**Total Reported Hours :**

| Day                           | 11/02<br>Sat | 11/03<br>Sun | 11/04<br>Mon | 11/05<br>Tue | 11/06<br>Wed | 11/07<br>Thu | 11/08<br>Fri | Total |
|-------------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|-------|
| Select valid alert program ID | 0.00         | 0.00         | 8.00         | 8.00         | 8.00         | 8.00         | 8.00         | 40.00 |

I certify that the time reported is a true and accurate representation of the time worked in the period.

Employee Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Approver#1 Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Approver#2 Signature: \_\_\_\_\_

Date: \_\_\_\_\_



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VOTER INFORMATION PORTAL

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My Voting History

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**GENERAL 2024 11/05/2024 - Voter Registration Information**

**Voter Name:**  
**SHANON S RILEY**  
**Residence Address:**



**Voter ID:** 1654055  
**Status:** Active  
**Status Reason:** Active Registrant  
**Party:** DEMOCRATIC  
**Precinct Name:** PCT 209  
**ID Required for Voting:** No

**My Voting History**

| Election Date | Election Type | Election Name           | Vote Type     | Voted Where                              |                              |
|---------------|---------------|-------------------------|---------------|--|------------------------------|
| 06/07/2022    | Primary       | 2022 PRIMARY            | Election Day  | VCC 15 - Petroglyph Plaza                | <a href="#">View Results</a> |
| 11/03/2020    | General       | 2020 GENERAL            | Absentee      |  | <a href="#">View Results</a> |
| 11/06/2018    | General       | 2018 GENERAL            | Election Day  | VCC 45 - Lyndon B Johnson Middle School  | <a href="#">View Results</a> |
| 11/08/2016    | General       | GENERAL 2016            | Polling Place | VCC 35 - HERMAN SANCHEZ COMMUNITY CENTER | <a href="#">View Results</a> |
| 11/04/2014    | General       | GENERAL 2014            | Absentee      |  | <a href="#">View Results</a> |
| 11/06/2012    | General       | GENERAL 2012            | Polling Place | VOTING CONVENIENCE CENTER                | <a href="#">View Results</a> |
| 11/07/2006    | General       | GENERAL ELECTION        | Absentee      |  | <a href="#">View Results</a> |
| 11/02/2004    | General       | GENERAL ELECTION        | Absentee      |  | <a href="#">View Results</a> |
| 11/05/2002    | General       | GENERAL - GUBERNATORIAL | Absentee      |  | <a href="#">View Results</a> |
| 11/07/2000    | General       | GENERAL - PRESIDENTIAL  | Polling Place |  | <a href="#">View Results</a> |
| 06/02/1998    | Primary       | PRIMARY - GUBERNATORIAL | Polling Place |  | <a href="#">View Results</a> |
| 01/14/1997    | Municipal     | SPEC ALBUQUERQUE        | Polling Place |  | <a href="#">View Results</a> |
| 11/05/1996    | General       | GENERAL - PRESIDENTIAL  | Polling Place |  | <a href="#">View Results</a> |

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## GENERAL 2024 11/05/2024 - Voter Registration Information

Voter Name:

**SHANON S RILEY**

Residence Address:

[REDACTED]

Voter ID:

**165405**

Status:

**Active**

Status Reason:

**Active**

Party:

**DEMOCRAT**

Precinct Name:

**PCT 20**

ID Required for Voting:

**No**

### My Voting History

| Election Date | Election Type | Election Name           | Vote Type     | Voted Where                              |
|---------------|---------------|-------------------------|---------------|--|
| 06/07/2022    | Primary       | 2022 PRIMARY            | Election Day  | VCC 15 - Petroglyph Plaza                |
| 11/03/2020    | General       | 2020 GENERAL            | Absentee      |  |
| 11/06/2018    | General       | 2018 GENERAL            | Election Day  | VCC 45 - Lyndon B Johnson Middle School  |
| 11/08/2016    | General       | GENERAL 2016            | Polling Place | VCC 35 - HERMAN SANCHEZ COMMUNITY CENTER |
| 11/04/2014    | General       | GENERAL 2014            | Absentee      |  |
| 11/06/2012    | General       | GENERAL 2012            | Polling Place | VOTING CONVENIENCE CENTER                |
| 11/07/2006    | General       | GENERAL ELECTION        | Absentee      |  |
| 11/02/2004    | General       | GENERAL ELECTION        | Absentee      |  |
| 11/05/2002    | General       | GENERAL - GUBERNATORIAL | Absentee      |  |
| 11/07/2000    | General       | GENERAL - PRESIDENTIAL  | Polling Place |  |
| 06/02/1998    | Primary       | PRIMARY - GUBERNATORIAL | Polling Place |  |
| 01/14/1997    | Municipal     | SPEC ALBUQUERQUE        | Polling Place |  |
| 11/05/1996    | General       | GENERAL - PRESIDENTIAL  | Polling Place |  |

**Farrell, Catherine, WCA**

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**From:** Gurule-Sers, Pauline, WCA  
**Sent:** Wednesday, November 6, 2024 8:41 AM  
**To:** WCA-AllUsers  
**Subject:** HOLIDAY PAYROLL SCHEDULE : Time Entry for Week 2 of PPE ending 11/8/2024  
  
**Importance:** High



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## ***DUE TO THE UPCOMING HOLIDAY***

Hello 😊

Please make sure to enter your time no later than 5 pm Today,  
**Wednesday November 6, 2024** \* Supervisors/Managers will need to  
approve all time sheets no later than noon, **Thursday November 7, 2024**

**\*\*\* If any changes need to be made to your timesheet after 5:00 p.m. on Thursday notification is required to your Supervisor and HR As Soon As Possible\*\*\***

**\* Please use the Comment bubbles to indicate any special leave granted such as Administrative Leave, Parent-Teacher Conferences, Inclement Weather, Bereavement Leave, Extra Hours and Call Back Hours worked, Wellness and Fitness etc.\*\***

